

Article 44

Alternative Dispute Resolution

1. **Alternative Dispute Resolution (ADR):** There are a number of ADR techniques by which disputes can be resolved at a level that usually does not include an administrative hearing or litigation (for example, informal consultation, group intervention, mediation, work group assessment, facilitation, etc.).
2. The parties involved in the dispute may use any mutually acceptable dispute resolution process and neutral third party, if they so choose.
3. Any neutral party used in resolving workplace disputes will report to the appropriate Forest Service Council (FSC) Vice-President and Conflict Management Program (CMP) Manager:
 1. ADR technique used (CMP, Positive Work Environment, negotiated, or other).
 2. Outcome of Resolution Process (successful or not).
4. The Conflict Management and Prevention Program has been established as a Forest Service ADR resource for workplace disputes. Additional ADR techniques, forms, and processes can be negotiated at the appropriate level. Additional ADR programs may be addressed in labor-management forums (partnership councils).
5. If the parties elect to use the ADR technique of mediation, the neutral selected for mediation must meet the requirements of U.S. Department of Agriculture (USDA) regulations 4710-001, dated April 5, 2006.
6. In resolving grievances through the use of ADR techniques, the Settlement Template in Appendix E must be used.

7. When an issue other than a grievance is settled through the use of ADR techniques, the Parties recommend that the settlement be documented in writing, and that the following items be considered in documenting this agreement:
 - a. Terms and conditions of agreement, including steps to be taken if one of the parties does not comply.
 - b. Timelines for action items: include who, what, when, how, and why.
 - c. Monitoring and follow-up clauses.
 - d. Degree of confidentiality.
 - e. Duration of agreement.
 - f. Signatures of the parties.
 - g. Distribution of the agreement.
8. The use of ADR does not automatically extend any timelines in this Master Agreement. Grievance timelines may be extended under the provisions of Article 9.